

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 1998 General Assembly.

SENATE ENROLLED ACT No. 235

AN ACT to amend the Indiana Code concerning education.

Be it enacted by the General Assembly of the State of Indiana:

SECTION 1. IC 20-1-20.5 IS ADDED TO THE INDIANA CODE AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]:

Chapter 20.5. Education Roundtable

Sec. 1. As used in this chapter, "board" has the meaning set forth in IC 20-10.1-1-17.

Sec. 2. As used in this chapter, "roundtable" refers to the education roundtable established by section 3 of this chapter.

Sec. 3. The education roundtable is established.

Sec. 4. The roundtable consists of the following members:

(1) A number of members appointed jointly by the governor and the superintendent of public instruction. These members must be representatives of:

- (A) business and community leaders;
- (B) elementary and secondary education, including special education; and
- (C) higher education.

The number of members appointed under clause (A) must be equal to the number of members appointed under clauses (B) and (C).

(2) Two (2) members appointed by the president pro tempore



C
o
p
y

of the senate from different political parties.

(3) Two (2) members appointed by the speaker of the house of representatives from different political parties.

Sec. 5. (a) A member of the roundtable is not entitled to a salary per diem.

(b) A member of the roundtable is entitled to reimbursement for traveling expenses and other expenses actually incurred in connection with the member's duties, as provided in the state travel policies and procedures established by the Indiana department of administration and approved by the budget agency.

Sec. 6. (a) The governor and the superintendent of public instruction shall jointly serve as cochairpersons of the roundtable. The roundtable shall meet upon the call of the cochairpersons.

(b) A quorum of the roundtable must be present to conduct business. A quorum consists of a majority of the voting members appointed to the roundtable. The roundtable may not take an official action unless the official action has been approved by at least a majority of the voting members appointed to serve on the roundtable.

Sec. 7. The roundtable is a permanent body and working group.

Sec. 8. The roundtable shall provide recommendations on subjects related to education to the following:

- (1) The governor.
- (2) The superintendent of public instruction.
- (3) The general assembly.
- (4) The board.

Sec. 9. The roundtable shall make recommendations to the board for improving the academic standards under IC 20-10.1-16.

Sec. 10. The roundtable shall review and recommend to the board for the board's approval the following:

- (1) The academic standards under IC 20-10.1-16 for all grade levels from kindergarten through grade 12.
- (2) The content and format of the ISTEP program, including the following:
 - (A) The graduation examination.
 - (B) The passing scores required at the various grade levels tested under the ISTEP program.

Sec. 11. In making recommendations under section 10 of this chapter, the roundtable shall consider:

- (1) a variety of available national and international assessments and tests;
- (2) the development of an assessment or test unique to

C
o
p
y



Indiana; and

(3) any combination of assessments or tests described under subdivisions (1) and (2).

Sec. 12. In making recommendations under section 10 of this chapter, the roundtable shall recommend to the board only state tests that when appropriate:

(1) present the content of each test in an interdisciplinary manner; and

(2) provide each student with the opportunity to meet the academic standards in an applied manner.

Sec. 13. The board may adopt rules under IC 4-22-2 to implement this chapter.

SECTION 2. IC 20-1-21-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 9. The report must include the following benchmarks:

(1) Graduation rate.

(2) Attendance rate.

(3) **ISTEP The following** test scores, ~~or including the number and percentage of students meeting academic standards:~~

(A) **ISTEP test scores.**

(B) **Scores for assessments under IC 20-10.1-16-15, if appropriate.**

(C) For a freeway school, scores on a locally adopted assessment program, if appropriate. ~~including the number and percentage of students:~~

~~(A) meeting an advanced standard; or~~

~~(B) meeting a proficient standard.~~

(4) Actual class size.

(5) The number and percentage of students in the following groups or programs:

(A) At risk.

(B) Vocational education.

(C) Special education.

(D) Gifted or talented.

(E) ~~Remediation/preventative~~ **Remediation and preventive** remediation.

(6) Advanced placement, including the following:

(A) For advanced placement tests, the number and percentage of students:

(i) scoring three (3), four (4), and (5); or

(ii) participating.

(B) For the Scholastic Aptitude Test, ~~the number and~~



percentage of students

- (i) ~~above a designated proficient score; test scores; and~~
 - (ii) ~~above a designated advanced score; or~~
 - (iii) **the number and percentage of students** participating.
- (7) Course completion, including the number and percentage of students completing the following programs:
- (A) Academic honors diploma.
 - (B) Core 40 curriculum.
 - (C) Vocational programs.
- (8) The percentage of graduates who pursue higher education.
- (9) School safety, including the number and percentage of students receiving suspension or expulsion for the possession of alcohol, drugs, or weapons.
- (10) Financial information relevant to performance.

SECTION 3. IC 20-8.1-3-18 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 18. (a) Service as a page for or as an honoree of the Indiana general assembly constitutes a lawful excuse for a pupil to be absent from school. For each day of page service or as an honoree of the Indiana general assembly, verified by the certificate of the secretary of the senate or the chief clerk of the house of representatives, a student excused from school attendance under this subsection shall not be recorded as being absent on any date for which the excuse is operative, nor shall the student be penalized by the school in any manner. This section applies to all pupils, whether they attend public, private, or parochial schools.

(b) The governing body of each school corporation and the chief administrative official of each private secondary school system shall authorize the absence and excuse of each secondary school student who serves on the precinct election board or as a helper to a political candidate or to a political party on the date of each general, city or town, special, and primary election at which the student works. Prior to the date of the election, the student must submit a document signed by one (1) of the student's parents or guardians giving permission to participate in the election as provided in this section, and the student must verify to school authorities the performance of services by submitting a document signed by the candidate, political party chairman, campaign manager, or precinct officer. The document must describe generally the duties of the student on the date of the election. A student excused from school attendance under this subsection shall not be recorded as being absent on any date for which the excuse is operative, nor shall the student be penalized by the school in any manner.



(c) The governing body of each school corporation or the chief administrative officer of each private school system shall authorize the absence and excuse of a student who is issued a subpoena to appear in court as a witness in a judicial proceeding. A student excused under this subsection shall not be recorded as being absent on any date for which the excuse is operative, nor shall the student be penalized by the school in any manner. The appropriate school authority may require that the student submit the subpoena to the appropriate school authority for verification.

(d) The governing body of each school corporation or the chief administrative officer of each private school system shall authorize the absence and excuse of each secondary school student who is ordered to active duty with the Indiana National Guard for not more than ten (10) days in a school year. For verification, the student must submit to school authorities a copy of the orders to active duty and a copy of the orders releasing the student from active duty. A student excused from school attendance under this subsection shall not be recorded as being absent on any date for which the excuse is operative, nor shall the student be penalized by the school in any manner.

(e) The governing body of a school corporation or the chief administrative officer of a private school system shall authorize the absence and excuse of a secondary school student who is appointed jointly by the governor and the superintendent of public instruction to serve as a member of the state standards task force under IC 20-10.1-4.1-2 when attendance at a state standards task force meeting conflicts in whole or in part with a student instructional day. An excused absence under this subsection is only valid for the time:

- (1) of the actual state standards task force meeting; and
- (2) the student is in transit to and from the meeting.

For verification, the student must submit to school authorities a document signed by the chairman of the state standards task force verifying the attendance by the student at the state standards task force meeting. The document must indicate the times at which the student was required to be in attendance at the state standards task force meeting. A student excused from school attendance under this subsection shall not be recorded as being absent on any date covered by the excuse and the student shall not be penalized by the school in any manner.

SECTION 4. IC 20-10.1-4.4-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 1. As used in this chapter, "requisite proficiency" refers to the satisfaction by a student of the following:



(1) The standards approved by the:

(A) (1) state board under section 4(3) of this chapter to receive a secondary level certificate of achievement in an academic field; or

(B) (2) workforce proficiency panel within the department of workforce development under section 4(3) of this chapter to receive a secondary level certificate of achievement in a technical field.

(2) Any additional standards adopted by the school corporation under IC 20-10.1-4.1-7(b)(1):

SECTION 5. IC 20-10.1-16-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 1. As used in this chapter, "~~educational proficiency statements~~" "**academic standards**" refers to the ~~statements statewide academic standards~~ developed by the department under section 6 of this chapter and under **IC 20-10.1-17** indicating the skills and knowledge base expected of a student **at a particular grade level** for a particular subject area.

SECTION 6. IC 20-10.1-16-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 4. (a) The board shall:

- (1) authorize the development and implementation of the Indiana statewide testing for educational progress program; and
- (2) determine the date on which the statewide testing is administered in each school corporation.

(b) The state superintendent is responsible for the overall development, implementation, and monitoring of the ISTEP program.

(c) The department shall prepare detailed design specifications for the ISTEP program that must do the following:

- (1) Take into account the ~~state educational proficiency statements~~ **academic standards**.
- (2) Include testing of students' higher level cognitive thinking in each subject area tested.

SECTION 7. IC 20-10.1-16-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 5. (a) The purposes of the ISTEP program developed under this chapter are as follows:

- (1) To assess the strengths and weaknesses of school performance.
- (2) To assess the effects of state and local educational programs.
- (3) To compare achievement of students in Indiana to achievement of students on a national basis.
- (4) To provide a source of information for state and local decision makers with regard to educational matters, including the following:



- (A) The overall academic progress of students.
- (B) The need for new or revised educational programs.
- (C) The need to terminate existing educational programs.
- (D) Student readiness for postsecondary school experiences.
- (E) Overall curriculum development and revision activities.
- (F) Identifying students who may need remediation under IC 20-10.1-17.
- (G) Diagnosing individual student needs.
- (H) Teacher training and staff development activities.

(b) To carry out the purposes described in subsection (a), each **English/language arts and mathematics** test developed for use under ISTEP must include the following:

- (1) A method of testing basic skills appropriate for the designated grade level, including multiple choice questions.
- (2) A method of testing applied skills appropriate for the designated grade level, including short answer or essay questions and the solving of arithmetic or mathematical problems.
- (3) A method of testing and grading that will allow comparison with ~~nationally norm-referenced tests~~ **national and international academic standards**.

SECTION 8. IC 20-10.1-16-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 6. (a) The department shall develop ~~educational proficiency statements~~ **academic standards** for the following subject areas **for each grade level from kindergarten through grade 12:**

- (1) English/language arts.
- (2) Mathematics.
- (3) Social studies.
- (4) Science.
- (5) Other subject areas as determined by the department.

(b) The department shall revise and update ~~the educational proficiency statements~~ **academic standards for each grade level from kindergarten through grade 12 and** in each subject area listed in subsection (a) at least once every six (6) years. This revision must occur on a cyclical basis that coincides with the textbook adoption cycle established in IC 20-10.1-9-4.

(c) The state superintendent shall appoint ~~a proficiency statements overview~~ **an academic standards** committee ~~for a that is composed of subject area teachers~~ during the period when ~~the a~~ subject area is undergoing revision. ~~A proficiency statements overview committee has fifteen (15) members selected as follows:~~

- (1) ~~Eight (8) persons who are teachers practicing in the subject~~



area being revised on the date of appointment.

(2) Two (2) members who are parents of school age children.

(3) Two (2) members, each of whom is a school superintendent, a school corporation curriculum director, or a principal.

(4) Two (2) members who represent the business community.

(5) One (1) member who is a member of the faculty in the subject area being revised at an institution of higher education that prepares teachers in the subject area.

(d) ~~A proficiency statements overview~~ **An academic standards committee shall do the following:**

(1) Advise the department on the revision process under this section.

(2) Recommend changes to the educational proficiency statement for the committee's subject area that enhance the goals identified in the educational proficiency statement.

(3) submit recommendations **on academic standards for a subject area** to the state standards task force education roundtable (IC 20-1-20.5) for the task force's review by the educational roundtable.

(e) In fulfilling its responsibilities under subsection (d), the proficiency statements overview committee shall consider proficiency statements developed by:

(1) other states;

(2) national organizations in the United States; and

(3) other countries.

(f) As necessary, the department shall revise and update the educational proficiency statements of subject areas other than those listed in subsection (a)(1) through (a)(4):

~~(g) (e)~~ The curriculum program of **each grade level from kindergarten through grade 12 in** a school in a school corporation must be consistent with the following **standards:**

(1) ~~The educational proficiency statements.~~ **academic standards developed under this section.**

(2) The student competencies developed for the Core 40 college preparation curriculum models established under IC 20-10.1-5.7.

SECTION 9. IC 20-10.1-16-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 7. (a) The scoring of student responses under an ISTEP test:

(1) must measure student achievement relative to the ~~educational proficiency~~ **academic** standards established by the Indiana state board of education;

(2) must adhere to scoring rubrics and anchor papers; and



- (3) may not reflect the scorer's judgment of the values expressed by a student in the student's responses.
- (b) This subsection applies to reports of scores in mathematics and English language arts. Reports must:
- (1) provide scores indicating student performance relative to each of the ~~educational proficiency~~ **academic** standards:
 - (A) established by the Indiana state board of education; and
 - (B) assessed by the test;
 - (2) be related to passing scores established by the board; and
 - (3) contain the information listed in subdivisions (1) and (2) for the following levels:
 - (A) Individual student.
 - (B) Classroom.
 - (C) School.
 - (D) School corporation.
 - (E) The state of Indiana.
- (c) Reports of student scores must be:
- (1) returned to the school corporation that administered the test; and
 - (2) accompanied by a guide for interpreting scores.
- (d) After reports of student scores are returned to a school corporation, the school corporation shall promptly do the following:
- (1) Give each student and the student's parent or guardian the student's ISTEP scores.
 - (2) Make available for inspection to each student and the student's parent or guardian the following:
 - (A) A copy of the essay questions and prompts used in assessing the student.
 - (B) A copy of the student's scored essays.
 - (C) A copy of the anchor papers and scoring rubrics used to score the student's essays.
- A student's parent or guardian may request a rescoring of a student's responses to a test, including a student's essay. No individual's ISTEP scores may be disclosed to the public.
- (e) After a school receives score reports, the school shall schedule a parent/teacher conference with the following:
- (1) A parent who requests a parent/teacher conference on the scores of the parent's child.
 - (2) The parent of each student who does not receive a passing score on the test. The conference must include a discussion of:
 - (A) the student's test scores, including subscores on ~~educational proficiencies~~; **academic standards**; and

C
o
p
y



(B) the proposed remediation plan for the student.

(f) The aggregate results of the ISTEP tests shall be compiled by each school corporation in a manner that will permit evaluation of learning progress within the school corporation. The school corporation shall make the compilation of test results available for public inspection and shall provide that compilation to the parent or guardian of each student tested under the ISTEP program.

(g) The department shall develop a format for the publication by school corporations in an annual performance report required by statute of appropriate academic information required by the department, including ISTEP scores, in a manner that a reasonable person can easily read and understand.

(h) The school corporation shall provide the ISTEP program test results on a school by school basis to the department upon request.

(i) Upon request by the commission for higher education, the department shall provide ISTEP program test results to the commission for those students for whom the commission under 20 U.S.C. 1232(g) has obtained consent.

SECTION 10. IC 20-10.1-16-9.1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 9.1. (a) The department shall establish a pilot program to examine innovative testing methods.

(b) The department shall select a representative sample of school corporations determined through an application procedure to participate in the pilot program under this section.

(c) The types of methods authorized under this program include the following:

- (1) Recently developed techniques for measuring higher order thinking skills.
- (2) Performance testing of ~~state proficiencies~~ **academic standards** that are difficult to measure by a written test format.
- (3) Expanded subject area assessment using student writing samples.

(d) The funds necessary to implement a pilot program under this section shall be expended from the research and development program under IC 20-10.1-22.

SECTION 11. IC 20-10.1-16-13 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 13. (a) Beginning with the class of students who expect to graduate during the 1999-2000 school year, each student is required to meet:

- (1) the ~~educational proficiency standard~~ **academic standards** tested in the graduation examination; and
- (2) any additional requirements established by the governing

C
o
p
y



body;
to be eligible to graduate.

(b) A student who does not meet the ~~educational proficiency standard~~ **academic standards** tested in the graduation examination shall be given the opportunity to be tested during each semester of each grade following the grade in which the student is initially tested until the student achieves a passing score.

(c) The board shall develop and adopt a procedure to enable students who:

(1) undergo the graduation examination; and

(2) do not receive a passing score on the graduation examination; to appeal their particular results. The rules adopted by the board must provide for the specific eligible bases for which an appeal may be made and must include as one (1) basis for which an appeal may be made the submission by the appellant student of written evidence indicating that the student's teacher in areas tested by the graduation examination and principal, in their professional judgment, believe that the student's graduation examination results do not accurately reflect the student's attainment of the ~~educational proficiency standard~~ **academic standards tested in the graduation examination**.

(d) A student who does not meet the ~~educational proficiency standard~~ **academic standards** tested in the graduation examination may:

(1) have the ~~educational proficiency standard~~ requirement of **meeting academic standards** waived; and

(2) be eligible to graduate;

if the principal of the school the student attends certifies that the student will within one (1) month of the student's scheduled graduation date successfully complete all components of the Core 40 curriculum as established by the board under IC 20-10.1-5.7-1.

(e) The state board of education shall determine the appropriate grade during which a student may initially undergo the graduation examination. The grade established under this subsection must be higher than grade 9.

SECTION 12. IC 20-10.1-16-15 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: **Sec. 15. (a) The board may require schools to participate in national or international assessments.**

(b) The board may establish an assessment to be administered at the conclusion of each Core 40 course in English/language arts, mathematics, social studies, and science. However, participation in a Core 40 assessment established under this subsection must be



voluntary on the part of a school corporation.

(c) The board may establish a diagnostic reading assessment for use in grade 1 and grade 2 for the purpose of promoting grade level reading competency by grade 3. However, participation in a reading assessment established under this subsection must be voluntary on the part of a school corporation.

SECTION 13. IC 20-10.1-17-0.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 0.5. As used in this chapter, "academic standards" has the meaning set forth in IC 20-10.1-16-1.

SECTION 14. IC 20-10.1-17-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 3. (a) The board shall adopt **clear, concise, and jargon free state achievement academic standards for mathematics and English/language arts for the grade levels tested under the ISTEP program: that are comparable to national and international academic standards. These academic standards must be adopted for each grade level from kindergarten through grade 12 for the following subjects:**

- (1) English/language arts.**
- (2) Mathematics.**
- (3) Social studies.**
- (4) Science.**

For grade levels tested under the ISTEP program, the academic standards must be based in part upon the results of the ISTEP program.

(b) The department shall do the following:

- (1) Distribute the academic standards established under this section to each school corporation for distribution by the school corporation to the parent of each student in the school corporation.**
- (2) Survey parents of students, members of the business community, representatives of higher education, and educators on the importance and applicability of academic standards.**

(c) ISTEP program testing shall be administered in the following subject areas:

- (1) English/language arts.**
- (2) Mathematics.**
- (3) Beginning in school year 2002-2003, science, in grade levels determined by the board.**
- (4) Beginning in school year 2003-2004, social studies, in**



grade levels determined by the board.

(b) ISTEP program testing may be administered in the following subject areas:

- (1) Social studies.
- (2) Science.

(c) The state achievement standards described in subsection (a) must be based in part upon the results of the ISTEP program and the educational proficiency statements developed under IC 20-10.1-16.

SECTION 15. IC 20-10.1-17-4.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 4.5. (a) The remediation grant program is established to provide grants to school corporations for the following:

- (1) Remediation of students who score below ~~state proficiency~~ **academic** standards.
- (2) Preventive remediation for students who are at risk of falling below ~~state achievement~~ **academic** standards.
- (3) For students in a freeway school or freeway school corporation who are assessed under a locally adopted assessment program under IC 20-5-62-6(7):
 - (A) remediation of students who score below ~~proficiency~~ **academic** standards under the locally adopted assessment program; and
 - (B) preventive remediation for students who are at risk of falling below ~~achievement~~ **academic** standards under the locally adopted assessment program.

(b) The department shall do the following:

- (1) Subject to section 5.5 of this chapter, develop a formula to be approved by the state board of education, reviewed by the state budget committee, and approved by the budget agency for the distribution of grants to school corporations.
- (2) Distribute grant funds according to the formula.
- (3) Determine standards for remediation programs to be funded under the program.
- (4) Administer the program.

SECTION 16. IC 20-10.1-17-7.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 7.5. (a) The governing body of a school corporation may establish a remediation program or a preventive remediation program under this chapter for all students who fall below the ~~educational proficiency~~ **academic** standards described in IC 20-10.1-16. The governing body shall spend money under this chapter for direct remediation or direct preventative remediation services for students.



(b) If the governing body decides to establish a remediation program or a preventive remediation program under this chapter, the governing body must:

- (1) subject to subsection (c), determine the type of program that best fits the needs of the students of the school corporation; and
- (2) adopt guidelines for:
 - (A) procedures for determining student eligibility for a program; and
 - (B) implementation of the program.

(c) If the governing body decides to offer a preventive remediation program, the program shall give consideration to including a reading recovery program.

SECTION 17. IC 20-10.1-4.1 IS REPEALED [EFFECTIVE JULY 1, 1999].

SECTION 18. [EFFECTIVE JULY 1, 1999] **(a) Before June 30, 2000, the Indiana state board of education (as defined in IC 20-10.1-1-17) shall obtain a comprehensive and independent evaluation of Indiana's academic standards and assessments, including national and international comparisons.**

(b) A credible, nationally respected organization approved by the budget agency after review by the budget committee shall conduct the evaluation.

(c) The evaluation must do the following:

(1) Focus on analyzing:

- (A) whether Indiana's academic standards and assessments are aligned with the state's educational goals; and**
- (B) whether and to what degree Indiana's academic standards and assessments produce the intended results.**

(2) Include recommendations on how Indiana's academic standards and assessments may be improved or restructured.

(d) This SECTION expires December 31, 2000.

C
o
p
y

